

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY WILLIAMS,	:
Plaintiff	:
v.	:Case No. 3:18-cv-11-KRG-KAP
TIMOTHY LITTLE, et al.,	:
Defendants	:

Memorandum Order

This matter has been referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636 and Local Civil Rule 72.

After screening the complaint and amended complaint pursuant to the Prison Litigation Reform Act the Magistrate Judge filed a Report and Recommendation on May 24, 2018, ECF no. 6, recommending that the complaint be dismissed in part without further leave to amend and served on defendant Ginter. The claim that the Magistrate Judge found to be adequately pleaded was one for injunctive relief against future exposure to harmful levels of environmental tobacco smoke (ETS).

The plaintiff was notified that pursuant to 28 U.S.C. § 636(b)(1), he had fourteen days to file written objections to the Report and Recommendation. Plaintiff filed objections that, liberally construed, object to the dismissal of his former unit managers on the grounds that he has stated a past injury ETS claim.

Plaintiff also asserts in conclusory fashion, ECF no. 7, Objections ¶5, that he should be allowed to amend his complaint again.

After *de novo* review of the record of this matter, including the objections, and the Report and Recommendation insofar as it applies to the ETS claims and, after review under the "reasoned consideration" standard, see EEOC v. City of Long Branch, 866 F.3d 93, 100 (3d Cir.2017) (standard of review when no specific objections are filed) of the balance of the Report and Recommendation, the following order is entered:

AND NOW, this 27th day of October, 2018, it is

ORDERED that plaintiff's complaint is dismissed in part as recommended in the Report and Recommendation at ECF no. 16, which is adopted as the opinion of the Court. The matter remains with the Magistrate Judge for further proceedings.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style with a horizontal line underneath.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice by U.S. Mail to:

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